

In accordance with notice to members of the Rhode Island Coastal Resources Management Council, a meeting was held on Tuesday, August 24, 2010 at 5:00 p.m. in Conference Room A, Administration Building, One Capitol Hill, Providence, RI.

MEMBERS PRESENT

Michael M. Tikoian, Chair
Paul Lemont, Vice Chair
David Abedon
Bruce Dawson
Donald Gomez
Michael Sullivan
Robert Driscoll

STAFF PRESENT

Grover J. Fugate, Executive Director
Jeffrey M. Willis, Deputy Director
Laura Ricketson Dwyer, Public Education/Outreach Coord
David Beutel, Aquaculture Coordinator

Brian Goldman, Legal Counsel

1. CALL TO ORDER

Chair Tikoian called the meeting to order at 5:12 p.m. and made opening statement.

2. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING:

Chair Tikoian called for approval of the minutes from the previous meeting. Vice Chair Lemont, seconded by Mr. Gomez, motioned to approve the minutes of the previous meeting. Motion carried on unanimous voice vote.

3. SUBCOMMITTEE REPORTS

No reports.

4. STAFF REPORTS

Mr. Fugate stated were no staff reports except for the presentation on the OSAMP.

Chair Tikoian stated that the two presentations for the evening would be on renewable energy and fisheries and that once those two presentations are complete, the entire OSAMP document is out for public comment and discussion. Chair Tikoian stated that there were two future meetings associated with the entire OSAMP document, September 14, 2010 and October 12, 2010 which would be the final adoption date.

5. 2012-2016 CAPITAL BUDGET REQUEST

Jeffrey Willis, Deputy Director gave presentation to the Council members on the annual request that the agency submits to the State of Rhode Island for capital projects which for the most part are habitat restoration and those types of projects association with habitat restoration. Mr. Willis stated that the request is a five year request that will begin July 1, 2011. Mr. Willis stated that the first item is for six fish restoration projects (fish ladders);

three other habitat projects are all association with South Coast Restoration Project with ACE. Mr. Willis stated that the Narrow River Aquatic Ecosystem Restoration was a future project that the funding is being requested for; just waiting for ACE to get federal funding and then CRMC will ask the state for its cost share. Mr. Willis stated that the Brush Neck Cove project which is also a restoration project similar to that of sedimentation removal. Mr. Willis stated that the Dredge Material Management Plan is funding that has been requested many times with not much luck getting it approved. Mr. Willis stated that the next trust fund item consists of habitat restoration projects that come before the Council every January and February. Mr. Gomez asked Mr. Willis about the leveraging aspect of the request. Mr. Willis explained that process by which the money is granted from the federal level and the state level stating that the leveraging of the CRMC projects has been very good overall. Mr. Lemont asked if the City of East Providence will be involved in the financing of the fish ladder project. Mr. Willis stated that because of federal stimulus money and state money through minor match requirements would be use and the local community may not have to pitch in. Mr. Sullivan stated that because of federal stimulus and state funds the City will not be asked to provide any match. Mr. Sullivan also noted that the Ten Mile River project is on schedule to begin next month. Vice Chair Lemont motioned, seconded by Mr. Dawson, to approve the Capital Budget Request for 2012-2016. Motion carried on unanimous voice vote.

6. PUBLIC HEARING ON CHANGES TO THE RI COASTAL RESOURCES MANAGEMENT PROGRAM: Ocean Special Area Management Plan

Mr. Fugate stated that all the chapter authors are present and that the presentations for the evening would be on Chapter 8 - Renewable Energy and Chapter 5 - Fisheries Resources and Uses. Mr. Fugate stated that the entire team was present to answer questions on any of the chapters.

Mr. Goldman asked if and requested that it is made clear, on both websites, when the end of the comment period is for the OSAMP. Mr. Goldman, Mr. Fugate and Ms. McCann to discuss after meeting.

Executive Summary

The purpose of this chapter is to provide an overview of the Ocean SAMP document – why it was developed; a brief history of the Rhode Island Coastal Resources Management Council’s history in creating SAMPs; the goals of the SAMP; and the process by which the Ocean SAMP was produced.

Section 100: Chapter 1 – Introduction

The purpose of this chapter will provide a broad overview of the SAMP area and SAMP document, laying the foundation for the subsequent chapters which describe the present status of the Ocean SAMP study area, characterize the natural attributes and resources of this body of water, describe current uses, identify and review existing and potential future use impacts, and present policies and recommendations that will help federal, state, and local governments work with the people of Rhode Island to wisely manage the Ocean SAMP study area for this and future generations.

Section 200: Chapter 2 - Ecology of the Ocean SAMP Region

The purpose of the Rhode Island Ocean SAMP Ecology Chapter is to provide a broad overview of SAMP area ecosystem: its geology, wind patterns, air and water temperatures, salinity, water currents and circulation, chemical oceanography, phytoplankton, zooplankton, ichthyoplankton, the benthos, fish, megafauna (whales, seals, turtles) and avifauna (birds). With the Ocean SAMP region being a busy maritime entryway to both Narragansett Bay and Long Island Sound, it is critical that the complex ecological and biological dynamics of this transitional sea area be increasingly studied and understood for appropriate resources management. Due to comments received when originally advertised for public comment, Chapter 2 – Ecology of the Ocean SAMP Region has been revised.

***Section 500: Chapter 5 - Fisheries Resources and Uses**

The purposes of the Rhode Island Ocean SAMP Fisheries Resources and Uses Chapter are to summarize existing information about current commercial and recreational fisheries resources and activities within the Ocean SAMP area; highlight the economic, social, cultural, and historic value of these activities to Rhode Island; and outline policies for managing these activities within the context of other existing and future uses. Accordingly, this chapter focuses primarily on commercially and recreationally important species that are targeted within the SAMP area by Rhode Island fishermen, and on current baseline conditions based on the best available existing data and information.

Ms. Tiffany Smythe presented to the Council a very brief overview of the commercial and recreational fisheries chapters stating that it talks about the human act of pursuing fish for business or pleasure. Ms. Smythe stated that the chapter highlighted baseline data and information on fisheries resources and on commercial and recreational fisheries in the OSAMP area. Ms. Smythe stated that the chapter also highlighted the economic, social and cultural importance of both commercial and recreational fisheries to the state of Rhode Island. Ms. Smythe stated that the next goal of the chapter was to outline policies and standards to protect and promote fisheries activities and resources within the context of future uses. Ms. Smythe closed presentation thanking everyone who helped with the creation of the chapter.

Chair Tikoian opened the floor to questions from the Council. With no questions from the Council at this time, Chair Tikoian opened the floor to comments from the public.

Mr. Bill McElroy asked Ms. Smythe to explain the last change to the chapter. Ms. Smythe deferred to Mr. Fugate who stated that the comment from Conservation Law Foundation was regarding the habitat areas and further protection of those areas which the Council will prioritize. Chair Tikoian clarified the location of the change stating that it was in Section 560.1, page 150.

Ms. Caroline Karp asked about the original version of the chapter which included the Fisheries Advisory Board and to what degree would their interaction with the process be. Mr. Fugate stated that it is a regulation within the SAMP that would create a fishermen's advisory board using representatives from both the commercial and recreational fishing centers to interact with the council regarding ocean energy projects. Mr. Fugate stated that the regulation sets

up a mandatory pre-application process so the board can meet with project proponents and act as an advisory to the council. Mr. Fugate stated that there is also the regulatory process for other entities to provide input throughout the application process.

Ms. Tricia Jedele, CLF, stated that in written comments filed on August 12, 2010, CLF had pointed out specifically that it is discriminatory to create an advisory board for one stakeholder so that they can guide the policy decisions of the Council. Ms. Jedele stated that the Conservation Law Foundation would like to be able to meet with the applicants of proposed off-shore wind developments prior to their being permitted by the Council. Ms. Jedele stated that the CLF made a recommendation to create a separate habitat protection advisory board to respond to the interests of the environmental community or rename the fishermen's advisory board and allow other stakeholders representation.

Mr. Lanny Dellinger, RI Lobsterman's Association, stated that much of the reasoning behind putting together the fishermen's advisory board was in the name of habitat protection and that there is a wealth of knowledge that the fishermen's advisory board can provide to the OSAMP process.

Mr. Christopher Brown, RI Commercial Fishermen's Association, spoke about the ever changing ocean environment and how it affects the commercial fishing industry. Mr. Brown stated that he hoped the Council would rely heavily on the scientific community's input rather than non-governmental organizations.

Mr. Bill McElroy, commercial fishermen, stated that the idea of the fishermen's advisory board is a way of fishermen being involved early on in the process of any application and offered his understanding of the nature of the board for clarification.

Mr. Sullivan stated that he thought there was some legitimacy to expanding the advisory board to Fisheries Habitat and Users Advisory Board with a panel of 7 members that is dominated by the principal users of the area.

Chair Tikoian thanked the fishermen for the cooperation and input while working with the OSAMP team.

Mr. Fugate introduced Michelle Armsby to give presentation on the Renewable Energies chapter.

***Section 800: Chapter 8 - Renewable Energy**

The purpose of the Rhode Island Ocean SAMP Renewable Energy Chapter is to address potential sites in Rhode Island state and federal waters for the location of offshore renewable energy resources projects, and to describe the potential effects that renewable energy development may have on the economics of Rhode Island, natural resources, and existing uses of the SAMP area.

Ms. Armsby introduced herself to the room stating that she served as lead author on the Renewable Energy and Other Offshore Development chapter for the OSAMP. Ms. Armsby stated that the chapter objectives were to provide general background on renewable energy and off-shore wind in particular, describe the process and tools used throughout the OSAMP process, identify viable sites within the area for offshore renewable energy development,

identify renewable energy zone within the OSAMP area, summarize known potential effects that may result from offshore renewable energy development and outline policies, standards and monitoring requirements for future development.

Chair Tikoian asked Mr. Fugate about a mapping of potential renewable energy sites. Mr. Fugate stated that within the map it identifies a renewable energy zone within the regulations. Mr. Fugate explained where the map was and stated that the plan could only be written for state waters with NOAA approval as NOAA will not allow the state to write a plan for federal waters. Mr. Fugate stated that there was research completed for federal waters and that the CRMC will be asked for federal consistency authority in federal water but cannot plan and dictate what will be developed in federal waters. Mr. Fugate stated that the OSAMP research team has been working with MMS to identify the potential sites that may have the ability to go through the federal process in a quick manner. Mr. Sullivan suggested that a transition executive summary be put into the SAMP to delineate how the State waters document would need to travel so that not only the Council but the public would understand the sequence and process by which the data layers would expand through the federal waters. Mr. Fugate agreed and continued to explain about the other federal agencies involved other than MMS. Mr. Gomez asked when the information gathered would be available to the public. Mr. Fugate stated that much of the information is already accessible within the OSAMP appendices and technical reports and that there is still a lot of data streaming in due to ongoing studies that will last another few years. Mr. Fugate stated that most of the information will be available through URI as public information. Chair Tikoian and Mr. Fugate discussed the Council involvement in the federal consistency decision making as well as timeframes. Mr. Fugate stated that they could write the summary document of the federal process within a month's time. Mr. Sullivan motioned, seconded by Mr. Gomez, for the summary document to be written by October 1, 2010 to be ready for the Council to review prior to the October 12th adoption date. Motion carried on unanimous voice vote. Discussion continued on potential ways to have area identified for renewable energy sites for the document. Mr. Fugate stated that NOAA has assured BOEM (new MMS) that the OSAMP document is a state water document as BOEM is very protective over their jurisdiction. Mr. Goldman and Mr. Fugate discussed the possibility of including in the OSAMP document that the state thinks a particular area is recommended for project also adding the recognition of federal jurisdiction. Mr. Goldman and Chair Tikoian asked that correspondence with the Federal Agencies be done in writing and provided to the Council so that everyone is on the same page.

Short break.

Section 1100: Chapter 11 – New Policies and Regulations

While a number of federal and state statutes, regulations, and policies now govern the uses of the areas contained within the Ocean SAMP, the purpose of this chapter is to address additional provisions to provide policy direction for, and regulation and management of, new ocean resources and uses, as well as to enhance management of existing activities. The Ocean SAMP New Policies Chapter addresses these emerging policies.

The Rhode Island Ocean Special Area Management Plan (Ocean SAMP) in its entirety

The purpose of the Ocean Special Area Management Plan (Ocean SAMP) is to serve as a regulatory, planning and adaptive management tool of the Rhode Island Coastal Resources Management Council (CRMC) to uphold its regulatory responsibilities. Using the best available science and working with well-informed and committed resource users, researchers, environmental and civic organizations, and local, state and federal government agencies, the Ocean SAMP provides a comprehensive understanding of this complex and rich ecosystem.

Chair Tikoian stated that the entire OSAMP document was open for public comment and would be as well at the September 14, 2010 Semimonthly meeting.

Caroline Karp inquired as to the limitations within the renewable energy zone; is it a completely free zone or does it overlap areas of concern? Ms. Karp is concerned that the implication is being made that State waters should be open to renewable energy. Mr. Fugate stated that the renewable energy zone depicted in the OSAMP went through a selection process, which he explained in detail, and became the most viable alternative. Ms. Karp asked that the map be made to reflect the extent to which it intersects/overlaps with areas of concern. Mr. Fugate stated that the State has to show that we do have renewable energy in State waters, we are regulating that energy in state waters, if we do not capture or deal with renewable energy in State waters, we cannot suddenly put a burden on the Federal Government that doesn't exist in State waters for Federal consistency. Ms. Karp voiced her concerns about carbon footprinting. Ms. Karp expressed her concern regarding the heat energy lost and the electromagnetic field created by the cables. Ms. Karp also expressed concern regarding the land-based consequences of ocean projects and lack of regulations regarding such. Mr. Fugate stated that in creating the Ocean SAMP, they tried to keep it as an ocean document for the ocean environment.

Tricia Jedele, CLF, expressed concern regarding her impression of the goal of the SAMP being to get federal consistency in federal waters. Ms. Jedele stated that she felt the state really did an environmental impact statement, not what they believed to be an ecosystem-based management, marine spatial planning effort, designed to manage our ocean resources. Ms. Jedele stated that in the viewpoint of CLF, the ecological value map should not be included in the renewable energy chapter and that it belongs in the ecological chapter.

Eugenie Marks, Audubon Society, stated that she had submitted written documents and that the OSAMP has value as a guidance document.

Gary Mataronas, commercial fisherman, asked about the long-term plans and regulations forthcoming due to the studies in regards to lobstering. Mr. Fugate stated that the state was strongly suggesting to MMS to generate more research on lobsters so that as the state moves forward on any activity, we understand what the potential impact is so that it can be managed.

Christopher Brown, RI Commercial Fishermen Association, asked about policies on endangered species. Mr. Fugate stated that the studies focused on species of concern that NOAA asked them to look into and that they are identified in the fisheries chapter.

Chair Tikoian stated that the next comment opportunity would be at the Council meeting on September 14, 2010 and asked that those that wish to comment prepare themselves so that all

the comments can be looked at prior to the October 12, 2010 meeting which will be the meeting of deliberation of the Council

6. CATEGORY "A" LIST

Accepted as presented.

7. ADJOURN

Vice Chair Lemont motioned, seconded by Mr. Dawson, to adjourn meeting. Motion carried on unanimous voice vote. Meeting adjourned

Respectfully submitted,

Lisa A. Mattscheck